

**REMARKS**

Applicants have added new claims 21 and 22. Description of the subject matter of claim 21 can be found in paragraphs 60-65 of the specification, and description of the subject matter of claim 22 can be found in paragraphs 67 and 72 of the specification.

Claims 7, 11, and 20 stand rejected under 35 USC 112, first paragraph, as based on a disclosure which is not enabling. Applicants have overcome this rejection by amending claims 7 and 11 to include a machine-readable medium having program code stored thereon and amending claim 20 to depend from claim 7.

Claims 1-20 stand rejected under 35 USC 102(e) over Kinjo (U.S. Patent No. 6,813,395). Applicants have overcome this rejection by amending claims 1, 7, 8, 11, 12, 15, 16, and 20. The amended independent claims include features exemplified by claim 1. Claim 1 includes the features of extracting image data from an image in an image database, designating the extracted image data as a retrieval key image, and comparing the retrieval key image to another item in the image database. A search can thereby be conducted by comparing a retrieval key image to one or more other images in the image database. No such system is described by Kinjo.

Kinjo describes an image searching method wherein a user designates a geometric searching pattern by using a mouse or keyboard. In the example shown in Fig. 3, a user has drawn several geometric figures such as triangles, circles, and rectangles on an image. These geometric shapes are then used for image searching using pattern matching techniques. (Col. 10, lines 34-51 and figs. 1-3.) Kinjo discloses that the extracted geometric figures are transformed to numerical data and stored as "accessory information" in a database. (Col. 12, lines 47-52.) Kinjo does not disclose the extraction of image data from a predetermined region of an image. Rather, Kinjo only discloses the identification and separate storage of certain geometric parameters of features identified in an image.

Kinjo further states that a “designated searching pattern 20” is input and the searching pattern is transformed to numerical data and tabulated as shown in Table 1. Table 1 simply provides spatial coordinates for various geometric shapes identified by the user as search criteria. The search is performed by comparing the geometric shapes provided by the user with geometric shapes identified in the “accessory information” associated with each image. The retrieval key of Kinjo is nothing more than geometric “accessory information,” and the search of Kinjo is conducted by comparison with that “accessory information.” (See col. 13, lines 55-65.) Kinjo does not disclose using extracted image data as a retrieval key image for comparison with other images.

Because Kinjo requires that each image to be searched be associated with accessory information extracted from and associated with each image by a process performed in advance, Kinjo requires a preliminary process whereby accessory information is generated and recorded for each image of an image database. No such process is required by the systems and methods of the application.

No form of image data comparison is disclosed in Kinjo. While Kinjo does disclose edge tracing and pattern matching (col. 10, lines 52-55, and col. 12, lines 42-47) in an image to be searched, these techniques are used only to identify geometric shapes in an image and are not used in connection with a comparison of image data from two images. Kinjo only discloses the comparison of tables or lists of geometric shapes. As such, in Kinjo, designating a retrieval key is cumbersome. By contrast, applicants’ invention does not require the burden of preprocessing images in the image database. The invention allows a user to designate an area in an image as a retrieval key simply by using a device such as a pointer to select a portion of an image. This is possible because the invention compares a “retrieval key image” with “image data” from an image database.

Applicants respectfully submit that the subject matter of independent claims as amended is neither disclosed nor suggested by Kinjo, and an early Action allowing claims 1-21 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing our Docket No. 245402004000.

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